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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,182	06/03/2002	George Trevor Dimond	BSW-1	4783

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EXAMINER

PARKER, FREDERICK JOHN

ART UNIT

PAPER NUMBER

1762

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No. <u>10/031182</u>	Applicant(s)	
Examiner	Group Art Unit	

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE — 3 — MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 4/7/03
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 4-13, 16, 18, 19, 22-24, 27, 29, 31, 33-35 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1, 4-13, 16, 18-19, 22-24, 33 is/are allowed.
- ☒ Claim(s) 27, 29, 31, 34-35 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☒ Other See Amendment

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Response to Amendment

Claim Objections

1. The amendments in response to the Claim Objections of the Previous Office Action are acknowledged and appreciated, and the Examiner withdraws the objections.

Claim Rejections - 35 USC § 112

2. The amendments in response to the 35 USC 112 rejections of the Previous Office Action are acknowledged and appreciated, and the Examiner withdraws the rejections. The Examiner also thanks Applicants for the authorized changes made by Examiner's amendment herein to expedite prosecution. New rejections are necessitated by amendments.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 27,29,31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- Claims 27,29,31 are vague and indefinite because it is unclear if or how the photoluminescent material and the one of a depression or a channel are structurally related.

Claim Rejections - 35 USC § 102

5. The rejections under this heading of the previous Office Action are withdrawn in view of Applicants' amendments. New rejections are necessitated by those amendments.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

7. The rejections under this heading of the previous Office Action are withdrawn in view of Applicants' amendments. New rejections are necessitated by those amendments.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 27,29,34 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Dunsworth US 4522861.

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Dunsworth teaches wear-resistant articles bearing a phosphorescent stripe for walkway and stairway surfaces, explicitly citing stair nosing structures (col. 1, 9) in which a base plate 10 contains channels 14, at least some channels filled with a phosphor (same as "photoluminescent"), refractory abrasive powder, and a polymeric resin, which is then heated and effectively cured to produce a product article having channels comprising phosphor-luminescent particles imbedded within a heat-cured polymer (same as "carrier-fixer", spec. Page 7, line 5). The product would therefore be the same as, or only insignificantly different from, the product of claims 27,29 as claimed.

10. Claims 31,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunsworth in view of Glatz et al US 5904017.

Dunsworth is cited for the same reasons discussed above, which are incorporated herein. Forming a handrail in which a photoluminescent material fixed with a heat cured polymer in a channel of a base is not cited.

Glatz et al teaches to apply an extruded strip comprising photoluminescent particles bonded by a cured transparent resin to structures to identify escape routes during emergencies. Structures cited explicitly include handrails (abstract)

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and stair nosings (col. 6, 53). While the mode of applying the resin and photoluminescent is not by application into a channel, the references does establish the equivalence of putting photoluminescent particle-resin stripes onto either handrails or nosings to provide the same function, namely to provide illuminated escape routes during emergencies (same as Dunsworth- column 2, 13-22). Therefore, the formation of such stripes on handrails using the method of Dunsworth would have been obvious, given the equivalence set forth by Glatz et al between nosings and handrails, and the use of phosphorescent striping for identical reasons.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of Dunsworth to form photoluminescent stripes on handrails in view of the equivalence established by Glatz et al because of the expectation of providing visible striping on handrail surfaces for user safety purposes during emergency situations.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 1467132 is cited as state of the art in which luminous materials are applied into recesses/ channels in a base material, the

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luminescent material applied being essentially level with the surface of the base material.

Allowable Subject Matter

12. Claims 1,4-13,16,18,19,22-24,33 are allowable over the prior art for the reasons eloquently discussed in Applicants remarks. Claims 28,30,32 have been canceled.

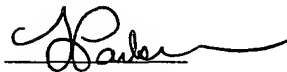
13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred J. Parker whose telephone number is (703) 308-3474.



Fred J. Parker

**FRED J. PARKER
PRIMARY EXAMINER**

May 8, 2003

fr10-031182

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeff Knapp on 5/8/03.

2. The application has been amended as follows:

- Product by apparatus claims 28,30,32 have been canceled.
- Claim 13: line 12, "consecutive" has been deleted; line 13, after "to" --each consecutive-- has been inserted; line 13, after "substrate", --surfaces-- has been inserted.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred J. Parker whose telephone number is (703) 308-3474.



FRED J. PARKER
PRIMARY EXAMINER

Fred J. Parker

May 8, 2003